

## REMARKS

Claims 1-53 are pending. The rejections and comments of the Examiner that are set forth in the Office Action dated August 2, 2005 have been carefully considered by the Applicants. Claims 1, 12, 22, 33 and 44 have been amended. No new matter is added as a result of these amendments. Applicants respectfully request reconsideration and allowance of the pending claims.

### 35 U.S.C. §103 Rejection

Claims 1-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sato (U.S. Patent No. 6,539,498) in view of Schuster et al. (U.S. Patent No. 6,170,075). Applicants have reviewed the above cited references and respectfully submit that the present invention as recited in Claims 1-53, is neither anticipated nor rendered obvious by the Sato reference taken alone or in combination with the Schuster et al. reference.

### Independent Claims 1, 12, 22, 33, and 44

Regarding Independent Claims 1, 12, 22, 33, and 44, embodiments of the presently claimed invention comprise a method and system for creating a simulation application, as presently claimed. In particular, each of the independent Claims 1, 12, 22, 33, and 44 of the present invention recite, in part:

\* \* \*

monitoring communication between an end device and a real device during a communication sequence . . .; and  
generating a simulation application for simulating an output of said real device based on said communication associated with said communication sequence . . . (Emphasis Added)

The embodiments of Applicants' invention set forth in independent Claims 1, 12, 22, 33, and 44 pertain to methods and systems of creating a simulation application. More particularly, these embodiments relate to the monitoring of a communication between an

end device and a real device during a communication sequence. In addition, based on the aforementioned monitoring a simulation application for simulating an output of the real device is generated. As such, the method that is set forth in the Claims focuses on the generation of a simulation application (for simulating an output of the real device) that is based on the communication sequence.

Sato in view of Schuster et al. does not render obvious the embodiments of the invention that are set forth in Claims 1, 12, 22, 33 and 44. The primary reference Sato fails to teach important limitations of the Claims and Schuster et al. fails to remedy the deficiencies of Sato. Specifically, Schuster et al. does not teach or suggest monitoring communication between an end device and a real device during a communication sequence and “generating a simulation application for simulating an output of said real device based on said communication associated with said communication sequence” as is set forth in Claim 1 (Claims 12, 22, 33, and 44 contain similar limitations).

Sato shows a dissimilar system for detecting cause of failure in a computer system. Sato discloses that failure can be detected by executing all instructions of a test program, performing simulator testing of parts of the test program, and comparing results of the real-device testing with results of the simulator testing so as to identify a portion of the test program that causes a failure. That is, the Sato reference employs the use of a pre-established and pre-generated simulator. Accordingly, the focus of Sato is the use of a pre-existing simulator to identify the location of defects in a computer system and not the generation of a simulator based on information taken from monitored communications. Thus, Applicants respectfully submit that the Sato reference does not teach, or suggest the generation of the simulation application as is required to meet the limitations of independent Claims 1, 12, 22, 33 and 44 of the present invention.

As mentioned above, Schuster et al. does not teach or suggest a modification of Sato that would remedy the deficiencies of Sato outlined above. Specifically, Schuster et al. does not teach or suggest monitoring communication between an end device and a real device during a communication sequence and “generating a simulation application for simulating an output of said real device based on said communication associated with said communication sequence” as is set forth in Claim 1 (Claims 12, 22, 33, and 44 contain similar limitations).

In contrast, the Schuster et al. reference discloses a very different method for improving the speed and quality of end-to-end data or real-time media transmissions over an internet. Specifically, a media stream is channel coded at the edge of the internet to free upstream bit rate for use in source coding the media, and then decoded at the remote edge of the internet to recover lost packets. As disclosed in the Schuster et al. reference, communication is established between the local and remote network access servers so that the local network access server knows when to channel code an incoming signal and the remote network access server knows when to channel decode the signals. Additionally, the communication can be monitored to determine how much packet loss is occurring. (See cols. 11 and 12, lines 10-15 and 15-20 of the Schuster et al. reference).

However, Schuster et al. does not disclose the generation of a simulation application based on the monitoring of communications as is required to meet the aforementioned limitations of Claims 1, 12, 22, 33 and 44. Accordingly, Applicants respectfully submit that the Schuster et al. reference does not teach, or suggest the generation of a simulation application for simulating an output of said real device based on a communication associated with a communication sequence as is recited in independent Claims 1, 12, 22, 33 and 44 of the present invention.

Consequently, Applicants respectfully submit that Sato in view of Schuster et al. reference does not render obvious the embodiments of the present invention as set forth in independent Claims 1, 12, 22, 33, and 44. Accordingly, Applicants respectfully submit that independent Claim 1, and Claims 2-11 which depend therefrom are in condition for allowance. Further, Applicants respectfully submit that independent Claim 12 and Claims 13-21 which depend therefrom are in condition for allowance. Also, Applicants respectfully submit that independent Claim 22 and Claims 23-32 which depend therefrom are in a condition for allowance. In addition, Applicants respectfully submit that independent Claim 33 and Claims 34-43 which depend therefrom are in condition for allowance. Furthermore, Applicants respectfully submit that independent Claim 44 and Claims 45-53 which depend therefrom are also in a condition for allowance.

#### CONCLUSION

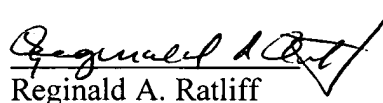
In light of the amendments and arguments presented herein, Applicants respectfully request reconsideration of the rejected Claims for allowance thereof.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

Wagner, Murabito & Hao LLP

Date:



Reginald A. Ratliff

Reg. No.: 48,098

Two North Market Street

Third Floor

San Jose, California 95113